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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,935	01/24/2002	Gregory N. Weismantel	125090.00007	5964

26707 7590 11/16/2006  
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EXAMINER

BEKERMANN, MICHAEL

ART UNIT PAPER NUMBER

3622

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/053,935

Applicant(s)

WEISMANTEL, GREGORY N.

Examiner

Michael Bekerman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/24/2002.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Priority*

1. This application does not appear to properly claim priority to the cited provisional 60/242,180. This application was filed more than a year after the provisional, and therefore no priority may be claimed. For the purposes of rejection, the effective filing date is 01/24/2002.

### *Claim Objections*

2. Claims 9 recites an XML-based message sent to the specified trading partner through the Internet. Claim 7 recites a connection to the Internet, however claim 1 (from which claim 7 depends) recites an XML-based sent to the desired supply side trading partner. Based on this, claims 7 and 9 appear to recite the same limitations. Appropriate action is required.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 11-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

**Regarding claims 11 and 20**, these claims recite the limitation "ERP/legacy". It is unclear whether this refers to "ERP and legacy", or "ERP or legacy".

**Regarding claims 12-20**, these claims recite the limitations "standardized transactions" and "non-standardized extended data". It is unclear as to what factors make a transaction "standard" or what constitutes "non-standard" data.

**Further regarding claim 12**, this claim recites a system that does not positively claim any structure (programmed capability). The claim merely recites what appears to be a step of transmitting, yet this is an apparatus claim.

4. **Further regarding claim 12**, this claim recites the limitations "the program application" and "the basic data message". There is insufficient antecedent basis for these limitations in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-10 and 12-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Jain (U.S. Patent No. 6,993,506).** Jain teaches communication of

extended data attributes between trading partners that teaches all of the limitations recited in the above claims.

**Regarding claims 1, 7-10, 12, 13, and 17-19**, Jain teaches sending XML messages containing extended data attributes to a trading partner using an e-commerce portal (GUI) (Column 2, Lines 8-10 and 25-38 and Column 19, Lines 31-43). Since the buyer is receiving information about the supplier, inputting of the data by the supplier is inherent.

**Regarding claims 2-4 and 14-16**, Jain teaches the XML messages as containing references to or values of shopping cart data and product configuration data (this reads on product items, pricing, and promotions) (Column 19, Lines 31-43).

**Regarding claim 5**, the extended data attributes must inherently be stored. This storage is considered to be a database.

**Regarding claim 6**, Jain teaches the supplier as having a password (Column 5, Lines 9-13). This reads on authorization security measures.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 11 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain (U.S. Patent No. 6,993,506) in view of Meltzer (U.S. Patent No. 6,125,391).**

**Regarding claims 11 and 20**, Jain doesn't specify the trading partner as using a legacy or ERP system. Meltzer teaches a data attribute communication system similar to that of Jain in which a company maps (integrates) XML documents into data formats required by legacy systems (Column 82, Lines 59-67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to integrate XML documents sent by a trading partner into useable data formats used by a legacy system in order to allow for greater compatibility.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art with respect to XML data attribute messaging systems:

U.S. Patent No. 6,289,382 to Bowman-Amuah

U.S. Pub No. 2002/0035488 to Aquila

U.S. Pub No. 2002/0049790 to Ricker

U.S. Pub No. 2002/0052862 to Scott

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Bekerman whose telephone number is (571) 272-3256. The examiner can normally be reached on Monday - Friday, 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric W. Stamber can be reached on (571) 272-6724. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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**JEFFREY D. CARLSON**  
**PRIMARY EXAMINER**